

EVOLUTION OF FHWA FULL OVERSIGHT

POP QUIZ

- What is RBSO?
- What are the 4 core values of RBSO?
- What are the 3 project components of RBSO in Divisions?
- What 3 types of projects must be considered a PoDI?
- How many PoDIs does Florida currently have?
- How many PoCIs does Florida currently have?



PROGRESSION OF FULL OVERSIGHT

- **ISTEA (1991) and TEA-21(1998)** altered FHWA role from full project oversight and approval of every project or activity funded with FHWA funds to **program oversight** and some **targeted** project level approval.
- **MAP-21(2012)** moves us toward a **performance-based** program which will increase the transparency and accountability of the federal highway program.
- **FAST ACT (2015)** current Highway bill

TERMINOLOGY



**Certification
Acceptance**

**Exemption
Agreement**

**Partnership
Agreement**

**S & O
Agreement**

PREVIOUS PARTNERSHIP AGREEMENT

- All major projects as defined by FHWA's major project criteria (cost ≥ \$500 million)
- All TIGER grants
- Controversial and Congressional interest projects
- Demonstration (demo) and pilot projects
- Intermodal projects:
 - Waiver of exceptions to the 13 controlling criteria
 - For new or modified access points
 - For major reconstruction and widening
- Projects utilizing innovative contracting methods, such as design build
- Special Experimental Projects (SEP):
 - Projects requiring SEP approval for alternative contracting methods
 - Projects requiring SEP-15 approval for public-private partnerships
- Projects with an EIS
- Unusually complex or controversial projects
- Major unique and/or unusual structures
- A priority focus for projects on the NHS
- A desire to have a mix in project size and scope

STEWARDSHIP AND OVERSIGHT AGREEMENT ON PROJECT ASSUMPTION AND PROGRAM OVERSIGHT BY AND BETWEEN FEDERAL HIGHWAY ADMINISTRATION, FLORIDA DIVISION AND THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION

SECTION I. BACKGROUND AND INTRODUCTION

The Federal-aid Highway Program (FAHP) is a federally-assisted program of State-selected projects. The Federal Highway Administration (FHWA) and the State Departments of Transportation have long worked as partners to deliver the FAHP in accordance with Federal requirements. In enacting 23 U.S.C. 106(c), as amended, Congress recognized the need to give the States more authority to carry out project responsibilities traditionally handled by FHWA. Congress also recognized the importance of a risk-based approach to FHWA oversight of the FAHP, establishing requirements in 23 U.S.C. 106(g). This Stewardship and Oversight (S&O) Agreement sets forth the agreement between the FHWA and the State of Florida Department of Transportation (FDOT) on the roles and responsibilities of the FHWA and the State DOT with respect to Title 23 project approvals and related responsibilities, and FAHP oversight activities.

The scope of FHWA responsibilities, and the legal authority for State DOT assumption of FHWA responsibilities, developed over time. The U.S. Secretary of Transportation delegated responsibility to the Administrator of the FHWA for the FAHP under Title 23 of the United States Code, and associated laws. (49 CFR 1.84 and 1.85) The following legislation further outlines FHWA's responsibilities:

- Intermodal Surface Transportation Efficiency Act (ISTEA) of 1991;
- Transportation Equity Act for the 21st Century (TEA-21) of 1998;
- Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) of 2005; and
- Moving Ahead for Progress in the 21st Century Act (MAP-21) of 2012 (P.L. 112-141).

The FHWA may not assign or delegate its decision-making authority to a State Department of Transportation unless authorized by law. Section 106 of Title 23, United States Code (Section 106), authorizes the State to assume specific project approvals. For projects that receive funding under Title 23, U.S.C., and are on the National Highway System (NHS) including projects on the Interstate System, the State may assume the responsibilities of the Secretary of the U.S. Department of Transportation under Title 23 for design, plans, specifications, estimates, contract awards, and inspections with respect to the projects unless the Secretary determines that the assumption is not appropriate. (23 U.S.C. 106(c)(1)) For projects under Title 23, U.S.C. that are not on the NHS, the State shall assume the responsibilities for design, plans, specifications, estimates, contract awards, and inspections unless the State determines that such assumption is not appropriate. (23 U.S.C. 106(c)(2))

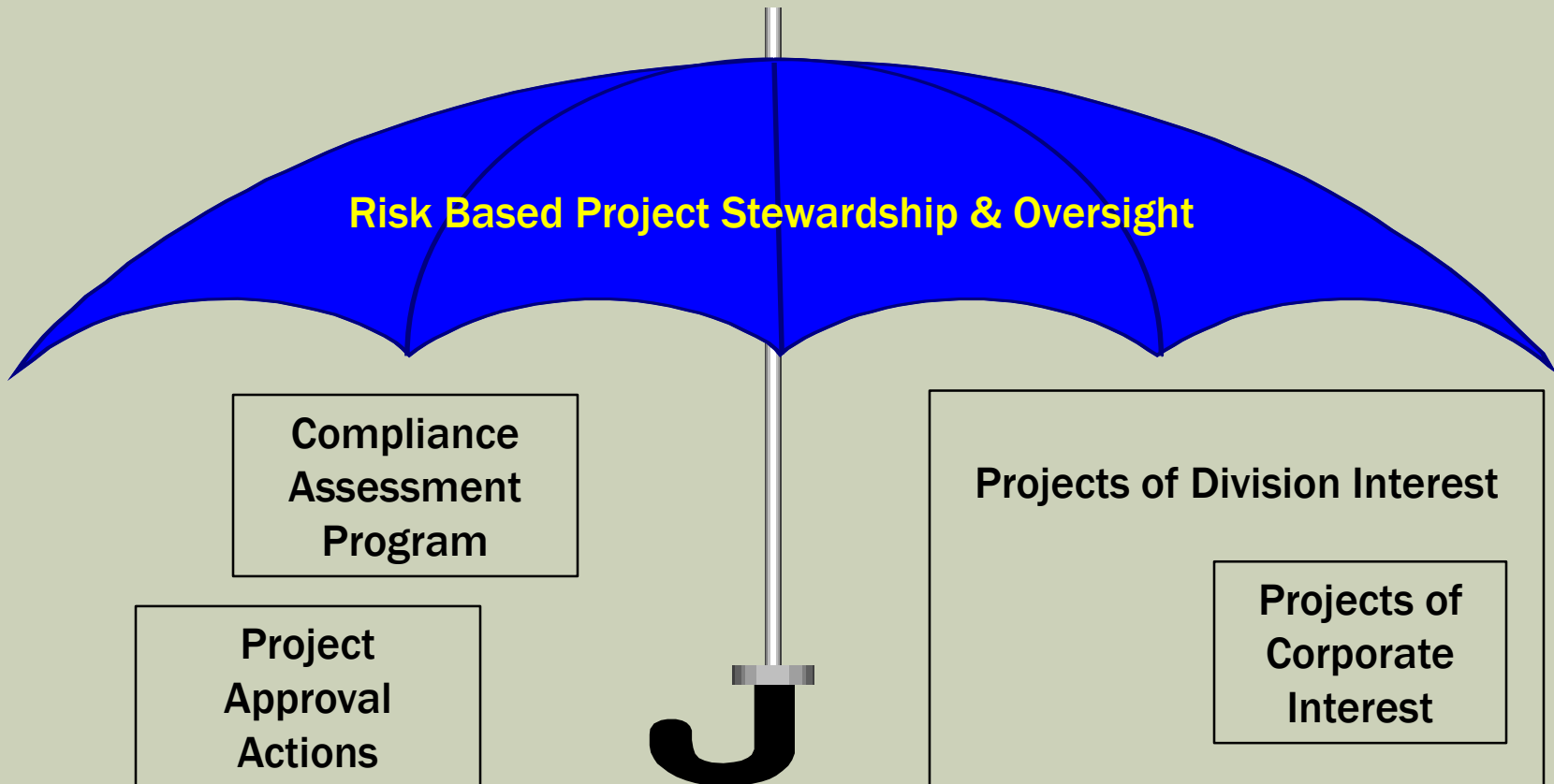
2015 STEWARDSHIP & OVERSIGHT AGREEMENT

Attachment A: Project Action Responsibility Matrix

PROJECT ACTION RESPONSIBILITY MATRIX (as of February 6, 2015) (Excluding PoDIs, which are subject to separate PoDI Plans)		
ACTION	AGENCY RESPONSIBLE	
	PROJECTS ON THE NHS	PROJECTS OFF THE NHS
[23 CFR 635.120]		
Concur in use of mandatory borrow/disposal sites [23 CFR 635.407]	FHWA*	In 23 U.S.C. 106(g), Congress directs that the Secretary shall establish an oversight program to monitor the effective and efficient use of funds authorized to carry out the FAHP. This program includes FHWA oversight of the State's processes and management practices, including those involved in carrying out the approvals and related responsibilities assumed by the State under 23 U.S.C. 106(c). Congress defines that, at a
Accept materials certification [23 CFR 637.207]	STATE	
Concur in settlement of contract claims [23 CFR 635.124]	STATE	
Concur in termination of construction contracts [23 CFR 635.125]	STATE	
Waive Buy America provisions [23 CFR 635.410] (Note: this action cannot be assumed by State)	FHWA	FHWA
Final inspection/acceptance of completed work [23 USC 114(a)]	STATE	STATE
Approval of Disadvantaged Business Enterprise (DBE) Project Contract Goal set by the State DOT under 49 CFR	STATE (7)	FHWA shall perform annual reviews that address elements of the project delivery systems of FDOT, which elements include one or more activities that are involved in the life cycle of project from conception to completion of the project. The FHWA will also evaluate the practices of the FDOT for estimating project costs, awarding contracts, and reducing costs. 23 U.S.C. 106(g)(2) and (3).

<https://www.fhwa.dot.gov/federalaid/stewardship/agreements/fl.pdf>

NEW RISK BASED S&O



Risk-Based

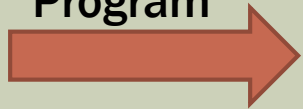
Data-Driven

Value-Added

Consistent

ANNUAL PODI PROCESS

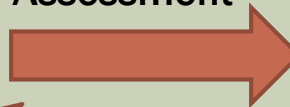
FDOT Work
Program



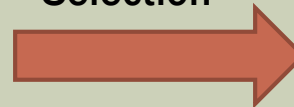
Prescreening



Risk Based
Assessment



Final PoDI
Selection



**PoDIs are not
limited to
Engineers !**

**THANK YOU FOR YOUR
TIME**



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EVER**

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